

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF MASSACHUSETTS

_____	)	
CRYSTAL MOTOR EXPRESS, INC.,	)	
	)	
<i>Plaintiff,</i>	)	
v.	)	CIVIL ACTION
	)	NO. 04-11450-RGS
TOWN OF LYNNFIELD,	)	
	)	
<i>Defendant.</i>	)	
_____	)	

**PLAINTIFF'S MOTION TO AMEND COMPLAINT**

Now comes the Plaintiff, Crystal Motor Express, Inc., pursuant to Fed. R. Civ. P. 15(a), and moves for leave to file the Amended Complaint, attached hereto as **Exhibit A**.

As grounds for this motion, Plaintiff states that the proposed Amended Complaint does not assert any new substantive claims against the Defendant, Town of Lynnfield, but merely seeks to: (1) join as a party plaintiff Ronald E. Masiello, Trustee of Crystal Land Investment Trust, the legal owner of the real estate site in question, that is commonly owned, operated and controlled with Crystal, and (2) to separately articulate Crystal's claim, in a new Count III, of federal preemption under 49 U.S.C. § 14501(c)(1), all as set forth in Plaintiff's accompanying Memorandum in Support.

WHEREFORE, Plaintiff Crystal Motors Express, Inc. respectfully prays that the Court grant it leave to file the attached Amended Complaint.

Local Rule 7.1(A)(2) Certification

The undersigned counsel for Plaintiff certifies that he has conferred with Defendant's counsel, John Cloherty, and has attempted in good faith to resolve or narrow the issue herein.

CRYSTAL MOTOR EXPRESS, INC. and  
RONALD E. MASIELLO, TRUSTEE OF  
CRYSTAL LAND INVESTMENT TRUST

By their attorneys,

March 28, 2005

\s\ Edward V. Colbert III  
Wesley S. Chused (BBO#083520)  
Edward V. Colbert III (BBO#566187)  
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Boston, MA 02110  
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CERTIFICATE OF SERVICE

I hereby certify that on March 28, 2005 I served the foregoing pleading upon all parties hereto electronically, via facsimile or by mailing a copies thereof, via first class mail, properly addressed, to:

John J. Cloherty, Esq.  
Pierce, Davis & Perritano, LLP  
Ten Winthrop Square  
Boston, MA 02110

\s\ Edward V. Colbert III  
Edward V. Colbert III

